

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

\* \* \* \* \*

Felix Raymond Montez,

Plaintiff,

vs.

ORDER ADOPTING  
REPORT AND RECOMMENDATION

Michael J. Astrue, Commissioner  
of Social Security,

Defendant.

Civ. No. 08-634 (PJS/RLE)

\* \* \* \* \*

Based upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-titled matter, **IT IS ORDERED:**

That the Defendant's Motion to Dismiss [Docket No. 6] is granted.

DATED: January 9, 2009

s/Patrick J. Schiltz  
Patrick J. Schiltz  
United States District Judge